

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 25413 of 2005

Between:

Vinodh

..... PETITIONER

AND

The Commissioner of Police,

Basheerbagh, Hyderabad and 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents in continuing rowdy sheet against the petitioner without any cases pending against him, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

The petitioner submits that a rowdy sheet has been opened against him on 21.06.1996 and the same is being continued though the petitioner is not a habitual offender and though no cases are pending against him.

A counter has been filed on behalf of respondents, stating that the petitioner was involved in three crimes, and out of three crimes, the two crimes i.e. Cr.No.48/95 for the offence under Section 147, 148, 302 r/w. Section 149 IPC and Cr.No.227/96 for the offence under Section 70(b) of City Police Act are ended in acquittal. In so far as third Crime No.108/96 for the offence under Section 149, 148, 307, 302 r/w. Section 149 IPC and Section 25 of Indian Arms Act is concerned, it was ended in conviction only for the offence punishable under Section 324 IPC and acquitted for the remaining offences. The said conviction is for the period already undergone, and therefore, the conviction is already suffered.

It is stated that conviction in a single and solitary case cannot constitute a legal ground to continue the rowdy sheet against the petitioner as per Police Standing Order No.742. The petitioner cannot be construed as a citizen of habitual offender unless there are more than one criminal case either pending or ended in conviction. It is stated that as the petitioner was convicted only for the offence punishable under Section 324 of IPC limiting the sentence a period already undergone, it cannot be said that the petitioner is a habitual offender. It is pertinent to note that in fact, on an application filed by the petitioner seeking employment, the concerned department called for antecedents of the petitioner to the Police, and the Inspector of Police, Kulsumpura PS, Hyderabad, while sending antecedents of the petitioner, addressed a letter to the Superintendent, Government Nizamia General Hospital, Charminar, Hyderabad, stating that the authorities have reviewed and renewed the rowdy sheet against the petitioner up to 31.12.2005 to maintaining surveillance, but for the last 10 years there are no complaints against the petitioner in the police station and he is living by driving a hired Auto without involving in any

illegal activities. In the counter also it is stated that no cases are pending against the petitioner. If that be so, I am of the opinion that renewing and maintaining rowdy sheet against the petitioner is without any justification.

Having regard to the facts and circumstances of the case, the respondents are directed to close down the rowdy sheet pending against the petitioner forthwith. However, it is always open for the respondents to open rowdy sheet against the petitioner if he involves in any further criminal cases, causing hindrance to public peace and tranquility.

With the above observations, the Writ Petition is disposed of. No order as to costs.

V.ESWARAIAH,J

Dated: 09.12.2005

Dsr

Note:

Issue CC in three days

B/o

Dsr